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JAN -5 1999

PRISON LAW OFFICE
DONALD SPECTER, #83925
SARA NORMAN, #189536
DANIEL B. SIEGEL
General Delivery
San Quentin, CA 94964
Telephone: (415) 457-9144

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

McCUTCHEN, DOYLE, BROWN &
ENERSEN
WARREN E. GEORGE, #53588
JOHN WADSWORTH, #166838
Three Embarcadero Center
San Francisco, CA 94111-4066
Telephone: (415) 393-2000

DISABILITY RIGHTS EDUCATION
AND DEFENSE FUND, INC.
ARLENE MAYERSON
2212 6th Street
Berkeley, CA 94710
Telephone: (510) 644-2555

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CLAUDE J. JUDICIAL
U.S. DISTRICT COURT

ROSEN, BIEN & ASARO
MICHAEL W. BIEN, #96891
155 Montgomery St., 8th Floor
San Francisco, CA 94104
Telephone: (415) 433-6830

HOWARD, RICE, NEMEROVSKI,
CANADY, FALK & RABKIN
EVE SHAPIRO, #164709
Three Embarcadero Center, 7th Fl.
San Francisco, CA 94111
Telephone: (415) 434-1600

LAW OFFICES OF ELAINE B.
FEINGOLD
ELAINE B. FEINGOLD, #99226
1524 Scenic Ave.
Berkeley, CA 94708
Telephone: (510) 848-8125

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

PETE WILSON, et al.,

Defendants.

No. C-94-2307-CW

REVISED [PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTIONS TO
AMEND THE COMPLAINT AND MODIFY
THE CLASS

Date: January 8, 1999

Time: 10:00 a.m.

Court: Judge Wilken

The motions of plaintiffs to amend the complaint and to
modify the class ~~came on regularly for hearing before this Court~~
was checked in the papers
~~on January 8, 1998.~~

After considering the moving and opposition papers,
~~arguments of counsel~~ and all other matters presented to the
Court, this Court makes the following findings of fact:

1 A. The filing of the proposed second amended complaint (1)
2 does not unreasonably prejudice defendant; (2) is offered in good
3 faith; (3) is not offered after undue delay; and (4) does not
4 constitute an exercise in futility.

5 B. The proposed modification of the class to include
6 developmentally disabled prisoners and parolees does not alter
7 the Court's previous finding that the requirements of Federal
8 Rules of Civil Procedure 23(a)(1-4), 23(b)(1)(A), 23(b)(1)(B),
9 and 23(b)(2) are met. Therefore,

10 IT IS HEREBY ORDERED that the motions to amend the complaint
11 and to modify the class are granted. The January 13, 1994 Order
12 Certifying The Class is modified so that the class shall consist
13 of all present and future California state prisoners and parolees
14 with mobility, sight, hearing, learning, developmental and kidney
15 disabilities that substantially limit one or more of their major
16 life activities. This modification only pertains to claims
17 against Mr. Nielsen and the Board of Prison Terms, and does not
18 affect the class definition as applied to any other defendants.

19 Dated: January 5, 1998

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21 
22 CLAUDIA WILKEN
23 UNITED STATES DISTRICT JUDGE
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United States District Court
for the
Northern District of California
January 5, 1999

* * CERTIFICATE OF SERVICE * *

Case Number:4:94-cv-02307

Armstrong

vs

Wilson

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 5, 1999, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

✓ Mary Beth Uitti, Esq.
U.S. Attorney's Office
Rm 115
450 Golden Gate Ave 10th Flr
P.O. Box 36055
San Francisco, CA 94102

✓ Sharon N. Perley, Esq.
USDJ - Disability Rights Section
Civil Rights Division
P.O. Box 66738
Washington, DC 20035-6738

Sara Linda Norman, Esq.
Prison Law Office
General Delivery
San Quentin, CA 94964

✓ Donald Specter, Esq.
Prison Law Office
General Delivery
San Quentin, CA 94964

✓ Eve H. Shapiro, Esq.
Howard Rice Nemerovski Canady Falk & Rabin

Three Embarcadero 7th Flr
San Francisco, CA 94111

Morris Lenk, Esq.
CA State Attorney General's Office
50 Fremont Street
Room 300
San Francisco, CA 94105

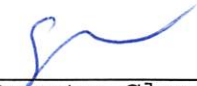
✓ *James Barnes*
George D. Prince, Esq.
CA State Attorney General's Office
50 Fremont Street
Room 300
San Francisco, CA 94105

✓ Warren E. George, Esq.
McCutchen Doyle Brown & Enersen LLP
Three Embarcadero Ctr
San Francisco, CA 94111

✓ Michael W. Bien, Esq.
Rosen Bien & Asaro
155 Montgomery St 8th Flr
San Francisco, CA 94104

✓ Elaine Feingold, Esq.
Disability Rights Education & Defense Fund, Inc
2212 Sixth Street
Berkeley, CA 94710

Richard W. Wieking, Clerk

BY: 
Deputy Clerk